

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)	
)	
Section 20.19 of the Commission's Rules)	WT Docket No. 01-
	309	
Governing Hearing Aid-Compatible Telephones)	RM-8658

**Report and Request for Waiver--47 C.F.R. § 20.19(d)(2)
Hearing Aid Compatibility--Inductive Coupling**

Nemont Communications, Inc., Sagebrush Cellular, Inc., and Triangle Communication System, Inc. ("Reporters"), digital wireless service providers, pursuant to the Federal Communications Commission's ("Commission" or "FCC") *Report and Order* in WT Docket No. 01-309, FCC 03-168, 29 CR 1299 (August 14, 2003), hereby files a report concerning the availability of digital phones for the hearing impaired and seeks a waiver of 47 C.F.R. § 20.19(d)(2).¹ This filing does not address the reporting requirements or waiver needs required by the *Report and Order* which are properly

¹ On July 7, 2004 the FCC published notice that it had obtained OMB approval to collect hearing aid compatibility reports from wireless carriers. 69 Fed. Reg. 40928 (Wednesday, July 7, 2004). Pursuant to the Report and Order, Amendment of Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, 68 Fed. Reg. 54173 (September 16, 2003), reports are due every six months after rule effectiveness for the first three years and then annually for the next two years. The first reports were filed in November 2004. Because the T3 compliance deadline is September 18, 2006, and a report and waiver is required at this time, Reporter's next report shall be filed six months from now on or about March 18, 2007.

addressed by handset manufacturers who are in the best position to report on their own activities.

I. Carrier Information

Reporters are small Commercial Mobile Radio Services carriers providing wireless services in rural Montana. Reporters have not received a request for a HAC handset.

II. Handset Discussion

Reporters, in compliance with 47 C.F.R. § 20.19(c)(2)(i)(A) distribute at least two HAC-compliant models of handsets for use by persons with a hearing disability: Motorola V262, V266, V710, and RAZR V3c (U3 performance level; acoustic coupling). As of September 18, 2006, 47 C.F.R. § 20.19(d)(2) requires that carriers offer at least two handsets which comply with the U3T level of performance (inductive coupling). At this time Reporter is unable to obtain U3T compliant phones from its handset distributors and it is Reporter's further understanding that these manufacturers do not yet have Commission approval to manufacture and distribute UT3 compliant handsets. Because Reporter does not control the manufacture of compliant handsets it is respectfully submitted that the unavailability of compliant phones is a circumstance beyond Reporter's control and enforcement of the applicable rule would not further the Commission's goal of increasing the availability of compliant handsets. Accordingly, waiver of the requirement would be appropriate.

III. Hearing Aid Compatible Handset Labeling/Insert Requirement

The HAC-compliant phones which are distributed by Reporters contain an information sheet or instruction manual which describes the HAC capabilities of the handsets. The boxes containing the HAC-compliant handsets either have preprinted HAC

rating information (M3 or M4 marking) or have HAC rating labels which Reporters apply prior to retail distribution.

IV. Outreach Efforts & Interoperability

Reporters have tested the HAC-compliant handsets which are distributed by them and they work well throughout Reporters' service area. Reporters make reasonably available to disabled subscribers and disabled potential subscribers of HAC-compliant, via the retail handset distribution facility, current technical and anecdotal information regarding the hearing aid compatibility of specific wireless handsets including both HAC-compliant and non-HAC-compliant handsets.

September 18, 2006
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Respectfully Submitted,
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